

By: Carona

S.B. No. 686

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of air conditioning and refrigeration technicians; providing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1302.002, Occupations Code, is amended by adding Subdivisions (5-a), (5-b), and (17) to read as follows:

(5-a) "Air conditioning and refrigeration technician" means a person who assists a licensed air conditioning and refrigeration contractor in performing air conditioning and refrigeration maintenance work.

(5-b) "Certified technician" means a registered technician who has completed a certification examination.

(17) "Registered technician" means a technician who is registered with the department.

SECTION 2. Section 1302.101, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) The department may examine any criminal conviction, guilty plea, or deferred adjudication of an applicant for issuance or renewal of a license, including by obtaining any criminal history record information permitted by law.

SECTION 3. Section 1302.263, Occupations Code, is amended to read as follows:

Sec. 1302.263. LIMITATION ON LICENSE HOLDER OR REGISTERED TECHNICIAN. A person licensed under this chapter may not:

1 (1) perform or offer or attempt to perform an act,
2 service, or function that is:

3 (A) [~~(1)~~] defined as the practice of engineering
4 under Chapter 1001, unless the person holds a license under that
5 chapter;

6 (B) [~~(2)~~] regulated under Chapter 113, Natural
7 Resources Code, unless the person holds a license or is exempt by
8 rule under that chapter; or

9 (C) [~~(3)~~] defined as plumbing under Chapter
10 1301, unless the person holds a license under that chapter; or

11 (2) use the services of a person who is not a
12 registered technician to assist in the performance of air
13 conditioning and refrigeration maintenance work.

14 SECTION 4. Subsection (a), Section 1302.401, Occupations
15 Code, is amended to read as follows:

16 (a) A person is subject to the denial of an application, the
17 imposition of an administrative penalty under Subchapter F, Chapter
18 51, or disciplinary action under Section 51.353 if the person:

19 (1) violates this chapter or a rule adopted under this
20 chapter; or

21 (2) violates [~~is convicted of an offense under~~] a
22 municipal ordinance adopted under Section 1302.303.

23 SECTION 5. Section 1302.402, Occupations Code, is amended
24 to read as follows:

25 Sec. 1302.402. ADMINISTRATIVE PROCEDURES. A proceeding for
26 the denial of a license or registration application or disciplinary
27 action and an appeal from that proceeding are governed by Chapter

1 2001, Government Code.

2 SECTION 6. Chapter 1302, Occupations Code, is amended by
3 adding Subchapter K to read as follows:

4 SUBCHAPTER K. AIR CONDITIONING AND REFRIGERATION TECHNICIANS

5 Sec. 1302.501. REGISTRATION REQUIRED. (a) A person may
6 not act or offer to act as an air conditioning and refrigeration
7 technician unless the person is registered under this subchapter.

8 (b) A registration is valid throughout the state.

9 Sec. 1302.502. RULES. The executive director shall adopt
10 rules:

11 (1) registering technicians as prescribed by this
12 subchapter;

13 (2) adopting standards of conduct for registered
14 technicians and license holders under this subchapter; and

15 (3) establishing fees for issuance and renewal of a
16 registration.

17 Sec. 1302.503. SUPERVISION REQUIREMENTS FOR REGISTRANTS.

18 (a) An air conditioning and refrigeration technician must be
19 supervised by an air conditioning and refrigeration contractor
20 licensed under this chapter.

21 (b) A supervising air conditioning and refrigeration
22 contractor shall notify the department in writing not later than
23 the 30th day after the date on which the contractor begins
24 supervising a registered technician.

25 (c) An air conditioning and refrigeration contractor must
26 notify the department of the name and registration number of any
27 registered technician for whom the contractor provided notice under

1 Subsection (b) that the contractor no longer supervises on each
2 application for renewal of the contractor's license.

3 Sec. 1302.504. APPLICATION; FEE. (a) An applicant for
4 registration must submit an application on a form prescribed by the
5 executive director.

6 (b) The completed application must be accompanied by:

7 (1) the application fee; and

8 (2) the name and license number of each air
9 conditioning and refrigeration contractor who will supervise the
10 applicant.

11 Sec. 1302.505. ISSUANCE AND TERM OF REGISTRATION. (a) On
12 receipt of a completed application, the department shall register
13 an applicant who meets the requirements of this subchapter.

14 (b) A registration is valid for one year from the date of
15 issuance.

16 Sec. 1302.506. RENEWAL OF REGISTRATION. To renew a
17 registration, a registered technician must:

18 (1) submit a renewal request on a form prescribed by
19 the executive director;

20 (2) provide the name and license number of each air
21 conditioning and refrigeration contractor who will supervise the
22 registered technician; and

23 (3) pay the required renewal fee.

24 Sec. 1302.507. CERTIFIED TECHNICIAN. A registered
25 technician may be certified by the department and use the
26 designation "certified technician" if the registered technician:

27 (1) completes an application for certification on a

1 form prescribed by the executive director;
2 (2) pays the application fee; and
3 (3) provides the department with proof that the
4 registered technician successfully completed a nationally
5 recognized and administered certification examination or another
6 examination of equal or greater difficulty approved by the
7 department.

8 SECTION 7. Not later than December 31, 2005, the executive
9 director of the Texas Department of Licensing and Regulation shall
10 adopt rules implementing Subchapter K, Chapter 1302, Occupations
11 Code, as added by this Act.

12 SECTION 8. (a) Except as provided by Subsection (b) of
13 this section, this Act takes effect September 1, 2005.

14 (b) Sections 1302.501 and 1302.503, Occupations Code, as
15 added by this Act, take effect June 30, 2006.